

CANYON COUNTY COURTHOUSE, FRIDAY, MAY 12TH, 2023, AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 48939
)	
PATRICK NIEVES AUGERLAVOIE,)	
)	
Defendant-Appellant.)	
_____)	

Appeal from the District Court of the First Judicial District of the State of Idaho, Kootenai County. Lamont C. Berecz, District Judge.

Eric D. Fredericksen, State Appellate Public Defender, attorney for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, attorney for Respondent.

Patrick Nieves Augerlavoie appeals from the judgment of conviction entered against him following a jury verdict, finding him guilty of felony leaving the scene of an accident, misdemeanor making a false 911 report, and a persistent violator sentencing enhancement. During the second part of Augerlavoie's trial, where the jury heard evidence about Augerlavoie's prior criminal history to consider whether he was eligible for a sentencing enhancement, the trial judge directed the court clerk to certify an exhibit for the State. Augerlavoie contends on appeal that this intervention from the district court judge was improper and the equivalent of witness testimony under Idaho Rule of Evidence 605. Alternatively, Augerlavoie argues that the judge's actions should be addressed as a fundamental error. In either event, Augerlavoie proposes vacating the sentencing enhancement against him.